

ORDINANCE No. 114531

COUNCIL BILL No. 107330

AN ORDINANCE relating to land use and zoning of adult uses, establishing a limited moratorium on the issuance of use permits, and on the acceptance of applications for use permits or building permits, for adult entertainment premises as defined in SMC 6.270, for panorams or peepshows as defined in SMC 6.42, and for adult motion picture theaters as defined in SMC 23.84.030, and declaring an emergency.

COMPTROLLER FILE No. _____

Introduced: <u>MAY 1 8 1989</u>	By: <u>Dolar</u>
Referred: <u>MAY 15 1989</u>	To: <u>Full Council</u>
Referred:	To:
Referred:	To:
Reported: <u>MAY 17 1989</u>	Second Reading: <u>MAY 22 1989</u>
Third Reading: <u>MAY 22 1989</u>	Signed: <u>MAY 22 1989</u>
Presented to Mayor: <u>MAY 23 1989</u>	Approved: <u>MAY 24 1989</u>
Returned to City Clerk: <u>MAY 24 1989</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

The City of Seattle--Legislative

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend _____

Committee Chair

#1
C.B. 107330

ORDINANCE 114531

AN ORDINANCE relating to land use and zoning of adult uses, establishing a limited moratorium on the issuance of use permits, and on the acceptance of applications for use permits or building permits, for adult entertainment premises as defined in SMC 6.270, for panorams or peepshows as defined in SMC 6.42, and for adult motion picture theaters as defined in SMC 23.84.030, and declaring an emergency.

WHEREAS, there are an increasing number of adult uses located near residential areas throughout the City; and

WHEREAS, there is growing evidence that such uses constitute a threat to the public health, safety, and welfare; and

WHEREAS, on November 28, 1988 this Council adopted Ordinance 114254 establishing a 180-day moratorium on issuing licenses for adult entertainment uses in certain zones; and

WHEREAS, on December 19, 1988 this Council adopted Resolution 27905 directing the Executive to conduct studies and investigations, and make recommendations for amending the Land Use Code relating to adult entertainment uses; and

WHEREAS, on March 24, 1989 the Director of the Department of Construction and Land Use issued his Report on a Proposed Land Use Code Text Amendment for Adult Cabarets; and

WHEREAS, the Director of the Department of Construction and Land Use recommended that a new land use category, "adult cabaret," be defined, and that adult cabarets be restricted to three downtown zones; and

WHEREAS, this Council has received input from citizens, neighborhood groups, business groups, staff, and others regarding the impacts of locating adult uses in various parts of the City; and

WHEREAS, this Council wants to consider the option of restricting adult uses to a portion of the industrial zones south of downtown before adopting permanent amendments to the Land Use Code; and

WHEREAS, the City has not received any applications for licenses subject to the moratorium imposed by Ordinance 114254; and

WHEREAS, this Council intends to reach a decision on land use regulation of adult uses within the next several months; and

WHEREAS, this Council finds that the protection of the public health, safety, and welfare requires a limited moratorium on new adult uses; NOW, THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 Section 1. The City Council hereby finds that adult uses
2 are increasingly associated with prostitution, disruptive
3 conduct, and other criminal activity, are likely to have an
4 adverse effect on property values, are the source of noise,
5 trash, traffic, and other adverse land use impacts, all of which
6 contribute to neighborhood blight and threaten the quality of
7 life in the City's commercial and residential neighborhoods, and
8 constitute a threat to the public health, safety, and welfare.
9 These conditions necessitate enactment of a moratorium on the
10 establishment of new adult uses while the Council considers and
11 adopts legislation to protect the public from the adverse impacts
12 of adult uses.

13 Section 2. For a period of 140 days from the effective date
14 of this ordinance, no use permit shall be issued, nor shall any
15 use permit application or building permit application be
16 accepted, for any adult entertainment premises as defined in SMC
17 6.270, for any panoram or peepshow as defined in SMC 6.42, or for
18 any adult motion picture theater as defined in SMC 23.84.030.

19 Section 3. Anyone who operates any adult entertainment
20 premises, panoram, peepshow, or adult motion picture theater in
21 violation of the requirements of this ordinance shall, upon
22 conviction, be subject to a fine not to exceed five thousand
23 dollars (\$5,000), or to imprisonment for a term not to exceed one
24 (1) year, or to both such fine and imprisonment.

25 Section 4. Pursuant to SMC 25.05.880, the City Council
26 finds that an exemption under SEPA for this action is necessary
27 to prevent an imminent threat to public health and safety and to
28 prevent an imminent threat of serious environmental degradation
through continued development under the existing regulations.
SEPA review of any permanent regulations proposed for replacement
of the existing zoning shall be conducted.

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1 Section 5. For the reasons cited in the Preamble and
2 Section 1 above, the City Council finds that an emergency exists
3 that necessitates immediate adoption of the regulations of this
4 ordinance. Because of the emergency, this ordinance shall become
5 effective immediately upon its approval by the Mayor or passage
6 over his veto.

7 PASSED by three-fourths vote of all the members of the City
8 Council the 22nd day of May, 1989, and signed by
9 me in open session in authentication of its passage this 22nd
10 day of May, 1989.

11
12 [Signature]
President of the City Council

13 Approved by me this 24th day of May, 1989.

14 [Signature]
Mayor

15 Filed by me this 24th day of May, 1989.

16
17 ATTEST: Norward J. Brooks
City Comptroller and City Clerk

18 By: Theresa Dunbar
Deputy

19
20 (SEAL)

21 Published _____
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Seattle City Council
Memorandum

Date: May 15, 1989
To: Jane Noland
From: Martha Lester, Central Staff
Subject: Adult Uses Moratorium

#1
CB.107330
RECEIVED
MAY 15 1989

JANE NOLAND
SEATTLE CITY COUNCIL

Council Bill 107330 was introduced on Monday, May 15, and referred to full Council for passage on Monday, May 22. This memo summarizes the contents of C.B. 107330.

Summary: This ordinance will broaden and extend the moratorium (Ordinance 114254) enacted last November on adult entertainment. It will provide enough time for the Department of Construction and Land Use to analyze the alternative of locating adult uses in a portion of the industrial zones south of downtown, and for the Council to consider and vote on this and other alternatives.

Specifics:

1. This ordinance applies to all three adult uses --
 - adult motion picture theaters,
 - adult panorams/peepshows, and
 - topless dance halls --whereas the previous moratorium restricted only topless dance halls.
2. This ordinance is a complete moratorium, citywide, whereas the previous moratorium prohibited new establishments only outside the downtown core area.
3. This moratorium will be in force for 140 days (i.e., until October 9). The previous moratorium was for 180 days, and it will expire on May 29.
4. This moratorium prohibits
 - the issuance of use permits, and
 - the acceptance of applications for use permits or building permits,whereas the previous moratorium prohibited the issuance of licenses. The new moratorium takes a land use approach, rather than a licensing approach.
5. This moratorium, like the previous one, is an emergency ordinance, and needs seven Council votes to pass.

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STATE OF WASHINGTON - KING COUNTY

15810
City of Seattle, City Clerk

--SS.

No.

City of Seattle

ORDINANCE 114531

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WHEREAS, there are an increasing number of adult uses located near residential areas throughout the City; and

WHEREAS, there is growing evidence that such uses constitute a threat to the public health, safety, and welfare; and

WHEREAS, on November 28, 1988 this Council adopted Ordinance 114254 establishing a 180-day moratorium on issuing licenses for adult entertainment uses in certain zones; and

WHEREAS, on December 19, 1988 this Council adopted Resolution 17505 directing the Executive to conduct studies and investigations, and make recommendations for amending the Land Use Code relating to adult entertainment uses; and

WHEREAS, on March 24, 1989 the Director of the Department of Construction and Land Use issued his Report on a Proposed Land Use Code Text Amendment for Adult Cabarets; and

WHEREAS, the Director of the Department of Construction and Land Use recommended that a new land use category, "adult cabaret," be defined, and that adult cabarets be restricted to three downtown zones; and

WHEREAS, this Council has received input from citizens, neighborhood groups, business groups, staff, and others regarding the impacts of locating adult uses in various parts of the City; and

WHEREAS, this Council wants to consider the option of restricting adult uses to a portion of the industrial zones south of downtown before adopting permanent amendments to the Land Use Code; and

WHEREAS, the City has not received any applications for licenses subject to the moratorium imposed by Ordinance 114254; and

WHEREAS, this Council intends to reach a decision on land use regulation of adult uses within the next several months; and

WHEREAS, this Council finds that the protection of the public health, safety, and welfare requires a limited moratorium on new adult uses; NOW, THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council hereby finds that adult uses and activities associated with prostitution, disruptive conduct, and other criminal activity, are likely to have an adverse effect on property values, are the source of noise, trash, traffic, and other adverse land use impacts, all of which contribute to neighborhood blight and threaten the quality of life in the City's commercial and residential neighborhoods, and constitute a threat to the public health, safety, and welfare. These conditions necessitate enactment of a moratorium on the establishment of new adult uses while the Council considers and adopts legislation to protect the public from the adverse impacts of adult uses.

Section 2. For a period of 180 days from the effective date of this ordinance, no use permit shall be issued, nor shall any use permit application or building permit application be accepted, for any adult entertainment premises as defined in SMC 6.270, for any panoramas or peepshows as defined in SMC 6.42, or for any adult motion picture theater as defined in SMC 23.84.030.

Section 3. Anyone who operates any adult entertainment premises, panoramas, peepshow, or adult motion picture theater in violation of the requirements of this ordinance shall, upon conviction, be subject to a fine not to exceed five thousand dollars (\$5,000), or to imprisonment for a term not to exceed one (1) year, or to both such fine and imprisonment.

Section 4. Pursuant to SMC 25.05.080, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under the existing regulations. SEPA review of any permanent regulations proposed for replacement of the existing zoning shall be conducted.

Section 5. For the reasons cited in the Preamble and Section 1 above, the City Council finds that an emergency exists that necessitates immediate adoption of the regulations of this ordinance. Because of the emergency, this ordinance shall become effective immediately upon its approval by the Mayor or passage over his veto.

Passed by three-fourths vote of all the members of the City Council the 22nd day of May, 1989, and signed by me in open session in authentication of its passage this 22nd day of May, 1989.

SAM CARTER
President of the City Council
Approved by me this 24th day of May, 1989.
CHARLES ROYER
Mayor

Filed by me this 24th day of May, 1989.
Attest: NORWARD J. BROOKS,
City Controller and City Clerk.
(Seal) BY THERESA DUNBAR,
Deputy City Clerk.
Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, May 29, 1989.
(15810)

Affidavit of Publication

The undersigned, on oath states that he is an representative of The Daily Journal of Commerce, a newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months the date of publication hereinafter referred to, published in English language continuously as a daily newspaper in Seattle, Washington, and it is now and during all of said time published in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce on the 12th day of June, 1941, approved as a legal newspaper of the Superior Court of King County.

This notice in the exact form annexed, was published in regular issue of The Daily Journal of Commerce, which was regularly published to its subscribers during the below stated period. The notice, a

14531

ended on

7/89

Amount of the fee charged for the foregoing publication is

\$, which amount has been paid in full.

Subscribed and sworn to before me on

May 26, 1989
[Signature]

Notary Public for the State of Washington,
residing in Seattle

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Jane Roland

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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